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for the amount of the costs estimated by APHIS. If the deposit is not sufficient to meet all costs incurred by APHIS, the agreement further requires the Government of Costa Rica or its designated representative to deposit with APHIS a certified or cashier's check for the amount of the remaining costs, as determined by APHIS, before the services will be completed. After a final audit at the conclusion of each shipping season, any overpayment of funds would be returned to the Government of Costa Rica or its designated representative or held on account until needed.

(Approved by the Office of Management and Budget under control numbers 0579-0049, 0579-0176, 0579-0221, 0579-0246, 0579-0257, and 0579-0279)

[45 FR 31585, May 13, 1980]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting § 319.37-5, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and at www.fdsys.gov.

§ 319.37-6 Specific treatment and other requirements.

(a) The following seeds and bulbs may be imported into the United States from designated countries and localities only if they have been treated for the specified pests in accordance with part 305 of this chapter. Seeds and bulbs treated prior to importation outside the United States must be treated in accordance with § 319.37-13(c). An inspector may require treatment within the United States of articles that have been treated prior to importation outside the United States if such treatment is determined to be necessary:

Seed/bulb	Country/locality	Pest(s) for which treatment is required
<i>Abelmoschus</i> spp. (okra) seeds.	All	<i>Pectinophora gossypiella</i> (Saunders) (pink bollworm).
<i>Allium sativum</i> (garlic) bulbs.	Algeria, Armenia, Austria, Azerbaijan, Belarus, Croatia, Czech Republic, Egypt, France, Georgia, Germany, Greece, Hungary, Iran, Israel, Italy, Kazakhstan, Kyrgyzstan, Republic of Moldova, Morocco, Portugal, Serbia and Montenegro, Slovakia, Slovenia, Republic of South Africa, Spain, Switzerland, Syria, Russian Federation, Tajikistan, Turkey, Turkmenistan, Ukraine, and Uzbekistan.	<i>Brachymerus</i> spp. and <i>Dyspessa ulula</i> (Bkh.).
<i>Castanea</i> seeds	All except Canada and Mexico	<i>Curculio elephas</i> (Cyllenhal), <i>C. nucum</i> L., <i>Cydia (Laspeyresia) splendana</i> Hubner, <i>Pammene fusciana</i> L. (<i>Hemimene juliana</i> (Curtis)) and other insect pests of chestnut and acorn.
<i>Guizotia abyssinica</i> (niger) seeds.	All (see paragraph (c) of this section)	<i>Cuscuta</i> spp., and other noxious weeds listed in 7 CFR 360.200.
<i>Hibiscus</i> spp. (hibiscus, rose mallow) seeds.	All, with the exception of kenaf seed (<i>Hibiscus cannabinus</i>) from Mexico that is to be imported into pink bollworm generally infested areas listed in § 301.52-2a of this chapter.	<i>Pectinophora gossypiella</i> (Saunders) (pink bollworm).
<i>Lathyrus</i> spp. (sweet pea, peavine) seeds.	All except North America and Central America	Insects of the family Bruchidae.
<i>Lens</i> spp. (lentil) seeds	All except North America and Central America	Insects of the family Bruchidae.
<i>Quercus</i> seeds	All except Canada and Mexico	<i>Curculio elephas</i> (Cyllenhal), <i>C. nucum</i> L., <i>Cydia (Laspeyresia) splendana</i> Hubner, <i>Pammene fusciana</i> L. (<i>Hemimene juliana</i> (Curtis)) and other insect pests of chestnut and acorn.
Rutaceae, seeds of all species in the family.	Afghanistan, Andaman Islands, Caroline Islands, Fiji Islands, Home Island in Cocos (Keeling) Islands, Hong Kong, Ivory Coast, Kampuchea, Korea, Mozambique, Oman, Rodriguez Island, Seychelles, Thursday Island, United Arab Emirates, and Zaire..	<i>Xanthomonas citri</i> subsp. <i>citri</i> (citrus canker).
<i>Vicia</i> spp. (fava bean, vetch) seeds.	All except North America and Central America	Insects of the family Bruchidae.

(b) Seeds and bulbs that are treated within the United States must be treated at the time of importation into the United States.

(c) Seeds of *Guizotia abyssinica* (niger seed) that are treated prior to shipment to the United States must be treated at a facility that is approved

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by APHIS⁷ and that operates in compliance with a written agreement between the treatment facility owner and the plant protection service of the exporting country, in which the treatment facility owner agrees to comply with the provisions of this section and allow inspectors and representatives of the plant protection service of the exporting country access to the treatment facility as necessary to monitor compliance with the regulations. Treatments must be certified in accordance with the conditions described in § 319.37–13(c).

(d) Shipments of kenaf (*Hibiscus cannabinus*) seed from Mexico that are imported into pink bollworm generally infested areas listed in § 301.52–2a shall be subject to inspection, and shall immediately, upon release, be subject to the domestic pink bollworm quarantine regulations in §§ 301.52 through 301.52–10, “Subpart—Pink Bollworm,” of this chapter.

[72 FR 43521, Aug. 6, 2007, as amended at 75 FR 17294, Apr. 6, 2010; 75 FR 68952, Nov. 10, 2010; 76 FR 67583, Nov. 2, 2011]

§ 319.37–7 Postentry quarantine.

(a) The following restricted articles, from the designated countries and localities, and any increase therefrom must be grown under postentry quarantine conditions specified in paragraphs (c) and (d) of this section, and may be imported or offered for importation into the United States only:

(1) If destined for a State that has completed a State postentry quarantine agreement in accordance with paragraph (c) of this section;

(2) If a postentry quarantine growing agreement has been completed and submitted to Plant Protection and Quarantine in accordance with paragraph (d) of this section. The agreement must be signed by the person (the importer) applying for a written permit for importation of the article in accordance with § 319.37–3; and,

(3) If Plant Protection and Quarantine has determined that the completed postentry quarantine growing agreement fulfills the applicable re-

quirements of this section and that services by State inspectors are available to monitor and enforce the postentry quarantine:

Restricted Article (excluding seeds)	Foreign Country(ies) or Locality(ies) from which imported
<i>Abelmoschus</i> spp. (okra).	All except Africa, Bangladesh, Brazil, Canada, India, Iraq, Papua New Guinea, Sri Lanka, and Trinidad and Tobago.
<i>Acacia</i> spp. (acacia)	All except Australia, Canada, and Oceania.
<i>Acer</i> spp. (maple)	All except Canada, Europe, and Japan.
<i>Actinidia</i> spp. (Chinese gooseberry, kiwi).	All except Australia, Canada, Japan, New Zealand, and Taiwan.
<i>Aesculus</i> spp. (horsechestnut).	All except Canada, Czech Republic, Germany, Romania, Slovakia, United Kingdom.
<i>Althaea</i> spp. (althaea, hollyhock).	All except Africa, Bangladesh, Canada, India, and Sri Lanka.
<i>Berberis</i> spp. (barberry) destined to any State except the eradication States listed in § 301.38–2a of this chapter (plants of all species and horticultural varieties designated as resistant to black stem rust in accordance with § 301.38–1 of this chapter).	All.
<i>Blighia sapida</i> (akee) ...	All except Canada, Cote d'Ivoire, and Nigeria.
<i>Bromeliaceae</i> (bromeliads) destined to Hawaii.	All.
<i>Brugmansia</i> spp.	All except Canada and Colombia.
<i>Cedrus</i> spp. (cedar)	All except Canada and Europe.
<i>Chaenomeles</i> spp. (flowering quince) meeting the conditions for importation in § 319.37–5(b).	Countries listed in § 319.37–5(b) except Canada.

⁷Criteria for the approval of heat treatment facilities are contained in part 305 of this chapter.